

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants	:	Linden, et. al.
Appl. No.	:	10/050,579
Filed	:	January 15, 2002
For	:	CONTENT PERSONALIZATION BASED ON ACTIONS PERFORMED DURING A CURRENT BROWSING SESSION
Examiner	:	Kuen S. Lu
Group Art Unit	:	2167

REPLY BRIEF

United States Patent and Trademark Office
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This Reply Brief is being submitted under 37 C.F.R. 41.41 to address certain new issues raised in Examiner's Answer mailed on February 17, 2006. The arguments presented herein are intended to supplement, and not replace, the arguments presented in Appellants' Appeal Brief. A request for an oral hearing is being filed with this Reply Brief.

Independent Claim 21

In the Appeal Brief, Appellants argued that the rejection of Claim 21 is improper because, among other reasons, the Examiner has not identified a suggestion, motivation or teaching to combine Hosken and Bunch. In response, the Examiner asserts that the motivation to combine comes from the references themselves, as "evidenced by the fact that the references are directed to many of the same functions...." Examiner's Answer at pages 21 and 22. In support of this contention, the Examiner points out that both references disclose the monitoring and recording of users' web browsing activities.

While Hosken and Bunch may both involve some type of monitoring of web browsing activities, it does not follow that a motivation exists to combine their teachings. In this regard, a motivation to combine does not automatically exist when some of the functions described in the

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references are the same or similar. Rather, the question of whether a motivation exists also depends on whether the references have the same purpose, or seek to address the same problem.

This principle was recently reiterated by the Federal Circuit in *In re Kahn*:

[i]f a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention. If it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. *In re Kahn*, No. 04-1616, (decided March 22, 2006), citing *In re Clay*, 966 F.2d 656, 659-60 (Fed. Cir. 1992).

In the present case, Bunch is directed to the problem of monitoring employee Internet usage to ensure that employees are not excessively engaging in unproductive or undesirable web browsing activities. In contrast, both the present invention and Hosken are directed to methods for identifying items to recommend or suggest to users. Given these very different problems and purposes, one skilled in the art would not have been motivated to combine Bunch with Hosken to arrive at the present invention.

The other issues raised by Appellants in connection with Claim 21—namely whether a reasonable expectation of success exists, and whether all of the claim limitations are taught or suggested—are fully briefed in Appellants’ Appeal Brief.

Independent Claim 49

With respect to independent Claim 49, the Examiner refers back to the “motivation to combine” analysis of Claim 21. See Examiner’s Answer at page 25, lines 3 and 4. Thus, Appellants’ arguments presented above for Claim 21 are also applicable to Claim 49.

Dependent Claim 52

Claim 52 depends from Claim 49, and adds the following: “wherein the browser plug-in provides an option for the user to deselect one or more of the plurality of accessed web sites to cause a recommendation of said web address to be refined.” In connection with these claim limitations, the Examiner relies in part on col. 14, lines 32-35 of Hosken, which describes a feature in which the user can request that the recommendations be limited to a particular style of item. Examiner’s Answer at page 26, last paragraph. This feature of Hosken, however, does not involve the de-selection by the user of an accessed item used to generate a recommendation so

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that the recommendation can be refined. Rather, the relevant feature of Hosken appears to merely involve the filtering out of certain types of items from the recommendation set. Thus, the cited feature of Hosken does not support the rejection.

The Examiner also relies on Hosken's disclosure of the ability for users to navigate sets of recommended items. This disclosure does not, however, suggest the ability for users to deselect accessed items as claimed.

For these reasons, the cited portions of Hosken do not teach or suggest the limitations added by Claim 52.

Dependent Claim 58

Claim 58 depends from Claim 49, and adds the following: "wherein selection of the web address takes into account frequencies with which different web sites have been accessed by users during the same browsing session, as determined by analyzing session clickstreams of a plurality of users." The Examiner contends that a system resulting from the combination of Hosken and Bunch would satisfy the limitations of Claim 58. Examiner's Answer at page 15, first full paragraph. Hosken's recommendation algorithm, however, does not appear to take into consideration the frequencies with which particular items have been accessed during the same browsing session. Consequently, the references do not support the Examiner's contention.

Independent Claim 60

With respect to independent Claim 60, the Examiner refers back to the "motivation to combine" analysis of Claim 21. See Examiner's Answer at page 29, lines 6 and 7. Thus, Appellants' arguments presented above for Claim 21 are also applicable to Claim 60.

Dependent Claim 65

Claim 65 depends from Claim 60, and adds the following: "wherein the at least one web address is selected so as to recommend one or more web sites that are collectively related to a plurality of web locations accessed during the current browsing session." In connection with this claim, the Examiner points to Hosken at col. 9, lines 39-42, and col. 10, lines 39-43. Neither these nor any other portion of Hosken, however, discloses a recommendations process that seeks to recommend items that are collectively related to a plurality of items accessed during the current browsing session." Thus, even if Hosken and Bunch were combined so as to recommend web sites, the web sites would not be recommended as set forth in Claim 65.

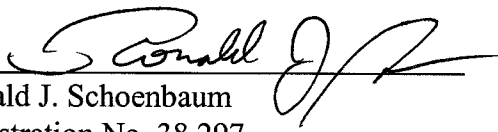
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For the reasons set forth above, and the reasons set forth in the Appeal Brief, Appellants submit that the rejections of Claims 21-33 and 49-65 are improper and should be reversed.

Respectfully submitted,

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